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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) No. CR 06-542 MHP
11)
Plaintiff,)
12) **STIPULATION AND ~~PROPOSED~~**
v.) **ORDER FOR CONTINUANCE OF**
13) **STATUS CONFERENCE**
DAVID SIMCHO,)
14) Date: December 3, 2007
Defendant.) Time: 10:00 a.m.
15) Court: The Honorable Marilyn Hall
Patel

16
17 The parties hereby stipulate and agree as follows:

- 18 1. This matter is set for a status conference on December 3, 2007 at 10:00 a.m.;
- 19 2. Defense counsel needs more time to review the discovery in this matter;
- 20 3. On October 17, 2007, defense counsel went to San Jose and met with IRS Agent
- 21 Tracy Wong to review ten boxes of discovery in this matter. Agent Wong copied
- 22 several hundred pages of discovery and has produced said discovery to defense
- 23 counsel;
- 24 4. There are 5000 pages of core documents that defense counsel needs to review in
- 25 detail before she can advise the Court about possible motion dates and/or a trial
- 26 date. Counsel has reviewed approximately 1000 pages of the aforementioned

discovery to date;

5. Defense counsel needs time to review the remaining 4000 pages and meet with her client about the discovery;

6. For the aforementioned reasons, the parties jointly agree and request the Court to continue the status conference in this matter to January 7, 2008, at 10:00 a.m.;

7. The parties further agree that exclusion of time under the Speedy Trial Act is appropriate to allow for effective preparation of defense counsel, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by this continuance outweighed the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

Dated: November 26, 2007

/S/
ELIZABETH M. FALK
ASSISTANT FEDERAL PUBLIC DEFENDER
Attorney for David Simcho

Dated: November 26, 2007

/S/
CYNTHIA STIER
ASSISTANT UNITED STATES ATTORNEY

~~PROPOSED~~ ORDER

For the reasons set forth above, the status conference in the aforementioned matter is hereby CONTINUED from December 3, 2007 to January 7, 2008 at 10:00 a.m. The Court also finds that the ends of justice served by the requested continuance outweigh the best interests of the public and the defendant in a speedy trial. The Court finds that time from December 3, 2007 through January 8, 2008 should be excluded from Speedy Trial Act calculations for effective preparation of defense counsel. 18 U.S.C. § 3161(h)(8)(A). Failing to grant the requested

1 continuance would deny defense counsel reasonable time necessary for effective preparation,
2 taking into account the exercise of due diligence, and would result in a miscarriage of justice. 18
3 U.S.C. § 3161(h)(8)(B)(iv).

4 **IT IS SO ORDERED.**

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6 DATED: 11/26/2007

